IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5662 OF 2005

Suresh Parshuram Narkar. ... Applicant.

Versus.

The State of Maharashtra. ... Respondent.

Shri C.G.Gavnekar for the Applicant.

Shri A.S.Gadkari, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 9th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The learned Advocate for the Applicant pointed out that the other co-accused have been enlarged on bail by this Court. The learned Advocate also pointed out that there is unexplained delay in lodging the F.I.R. and the fact that there are no injuries on the person of the prosecutrix makes the prosecution story doubtful. The learned A.P.P. has pointed out the material on record and has opposed the application.,

2. The co-accused have been enlarged on bail as even according to the prosecution case they have played no role in the offence under section 376 of the IPC. The F.I.R. has been registered on the next day after the incident. Considering the fact that the offence is under section 376 IPC, delay cannot be treated as fatal

at this stage. There is the version of the prosecutrix specifically making allegation against the Applicant as regards commission of offence under section 376 of the IPC. There is enough material on record to show complicity of the Applicant. No case is made out for grant of bail. The application is rejected. If case is not committed to the Court of Sessions, the concerned Magistrate will do so immediately. The trial should be taken up on priority basis and shall be concluded as expeditiously as possible by treating the case as High Court expedited case.

Judge.